

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DAN DECHIRICO, ANGEL GUZMAN, AND
JOSHUA PALMER,

Plaintiffs,

v.

ALLY FINANCIAL INC., ALPACA
SECURITIES LLC, CASH APP INVESTING
LLC, SQUARE INC., MORGAN STANLEY
SMITH BARNEY LLC, E*TRADE
SECURITIES LLC, E*TRADE FINANCIAL
CORPORATION, E*TRADE FINANCIAL
HOLDINGS, LLC, FREETRADE, LTD.,
INTERACTIVE BROKERS LLC, M1 FINANCE,
LLC, OPEN TO THE PUBLIC INVESTING,
INC., ROBINHOOD FINANCIAL, LLC,
ROBINHOOD MARKETS, INC., ROBINHOOD
SECURITIES, LLC, IG GROUP HOLDINGS
PLC, TASTYWORKS, INC., TD
AMERITRADE, INC., THE CHARLES
SCHWAB CORPORATION, CHARLES
SCHWAB & CO. INC., FF TRADE REPUBLIC
GROWTH, LLC, TRADING 212 LTD.,
TRADING 212 UK LTD., WEBULL
FINANCIAL LLC, FUMI HOLDINGS, INC.,
STASH FINANCIAL, INC., BARCLAYS BANK
PLC, CITADEL ENTERPRISE AMERICAS,
LLC, CITADEL SECURITIES LLC, MELVIN
CAPITAL MANAGEMENT LP, SEQUOIA
CAPITAL OPERATIONS LLC, APEX
CLEARING CORPORATION, THE
DEPOSITORY TRUST & CLEARING
CORPORATION,

Defendants.

1:21-cv-00677-LDH-RLM

**STIPULATION AND [PROPOSED]
ORDER REGARDING EXTENSION
OF TIME TO RESPOND TO
PLAINTIFFS' COMPLAINT**

Plaintiffs Dan Dechirico, Angel Guzman, and Joshua Palmer (“Plaintiffs”) and undersigned Defendants (collectively, “Defendants,” and together with Plaintiffs, the “Parties”), hereby stipulate and agree as follows:

WHEREAS, Plaintiffs filed a Complaint on February 8, 2021 (Dkt. No. 1);

WHEREAS, the deadline for Defendants to move or otherwise respond to the Complaint is currently April 13, 2021;

WHEREAS, on February 5, 2021, the plaintiffs in *Cheng et al v. Ally Financial Inc. et al*, 21-cv-00781 (N.D. Cal.), filed a Motion for Transfer of Actions to the Northern District of California Pursuant to 28 U.S.C. § 1407 for Coordinated or Consolidated Pretrial Proceedings (“Motion”) with the Judicial Panel on Multidistrict Litigation (“JPML”);

WHEREAS, the Motion petitioned the JPML to transfer the *Cheng* action and 40 other cases and to establish a multidistrict litigation in the Northern District of California (JPML Dkt. No. 1);

WHEREAS, on February 9, 2021, the JPML accepted the Motion for filing as *In re January 2021 Short Squeeze Trading Litigation* (MDL No. 2989) and ordered an accelerated briefing schedule (JPML Dkt. No. 4);

WHEREAS, on February 23, 2021, Charles Schwab & Co., Inc., TD Ameritrade, Inc., TD Ameritrade Clearing, Inc., TD Ameritrade Holding Corporation, and The Charles Schwab Corporation filed a Notice of Potential Tag-Along Actions, identifying a number of additional cases, including the instant action, as tag-along cases for the JPML to consider transferring to the proposed multidistrict litigation (JPML Dkt. No. 66);

WHEREAS, on March 1, 2021, Plaintiffs filed a response to the Motion, agreeing that the cases should be centralized into one multidistrict litigation and asserting that the most convenient forum for centralization is the Eastern District of New York (JPML Dkt. No. 159);

WHEREAS, the hearing on the Motion before the JPML was held March 25, 2021;

WHEREAS, the JPML issued a transfer order on April 1, 2021, transferring 39 cases to the Southern District of Florida (JPML Dkt. No. 272);

WHEREAS, on April 2, 2021, the JPML issued a Conditional Transfer Order as to the previously characterized tag-along cases, including the instant action, transferring such cases to the Southern District of Florida, conditioned on a seven (7) day stay to allow for any oppositions (Dkt. No. 277);

WHEREAS, the Parties have met and conferred and have agreed to extend Defendants' deadline to move or otherwise respond to the Complaint to April 30, 2021 or, if the Conditional Transfer Order becomes effective, until the date by which the transferee judge orders Defendants to move or otherwise respond to the Complaint, whichever is later;

WHEREAS, this is the first extension that has been requested and the Parties have not obtained any previous extensions;

WHEREAS, this extension of time would not impact any other scheduled dates;

WHEREAS, Defendants do not waive, and expressly reserve, all available defenses and challenges to jurisdiction;

WHEREAS, Defendants preserve all rights to move or otherwise respond to the Complaint;

WHEREAS, Defendants have received notice of the instant action and have waived the service of summons and thus any objections to the absence of a summons or of service of the Complaint.

NOW THEREFORE, the Parties stipulate that:

1. Defendants' deadline to move or otherwise respond to the operative Complaint shall be extended to April 30, 2021 or, if the Conditional Transfer Order becomes effective, until the date by which the transferee judge orders Defendants to move or otherwise respond to the Complaint, whichever is later.
2. The Parties may stipulate to a further extension of time to move or otherwise respond to the Complaint in this action.
3. Nothing herein shall prevent Defendants from moving for additional time to move or otherwise respond to the operative Complaint.

DATED: April 5, 2021

**HACH ROSE SCHIRIPA &
CHEVERIE LLP**

/s/ Frank R. Schirripa

Frank R. Schirripa
Kathryn A. Hettler
Eugene Zaydfudim
112 Madison Avenue, 10th Floor
New York, NY 10016
Telephone: (732) 800-0251
Facsimile: (732) 982-2147
Email: fschirripa@hrsclaw.com
Email: kh@hrsclaw.com
Email: ezaydfudim@hrsclaw.com

Attorneys for Plaintiffs

COOLEY LLP

/s/ Nicholas Flath

Nicholas Flath
55 Hudson Yards
New York, NY 10001-2157
Telephone: (212) 479-6511
Facsimile: (212) 479-6275
Email: nflath@cooley.com

Patrick Gibbs
Brett De Jarnette
Rebecca Ferrari
3175 Hanover Street
Palo Alto, CA 94304-1130
Telephone: (650) 843-5000
Facsimile: (650) 849-7400
Email: pgibbs@cooley.com
Email: bdejarnette@cooley.com
Email: rferrari@cooley.com

Attorneys for MI Finance, LLC

LOWENSTEIN SANDLER LLP

/s/ H. Gregory Baker

H. Gregory Baker
1251 Avenue of the Americas
New York, NY 10020
Telephone: (212) 262-6700
Facsimile: (212) 262-7402
Email: HBaker@lowenstein.com

Leiv Blad
Allison M. Vissichelli
2200 Pennsylvania Ave., NW
Washington, DC 20037
Telephone: (202) 753-3000
Facsimile: (202) 753-3838
Email: LBlad@lowenstein.com
Email: AVissichelli@lowenstein.com

*Attorneys for Alpaca Securities, LLC,
Fumi Holdings, Inc. and
Webull Financial, LLC*

IT IS SO ORDERED.

Dated: _____, 2021

HON. LASHANN DEARCY HALL
UNITED STATES DISTRICT JUDGE